



61

AF 1652

PTO/SB/21 (01-03)

Approval for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/818,990	
	Filing Date	Mar 27, 2001	
	First Named Inventor	Walke, D. Wade	
	Art Unit	1652	
	Examiner Name	S. Swope	
Total Number of Pages in This Submission	31	Attorney Docket Number	LEX-0152-USA

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Reply  <input checked="" type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosures (please identify below): - Return Postcard - Exhibits A - D
Remarks		
Customer # 24231		

RECEIVED

SEP 04 2003

TECH CENTER 1600/2900

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Lexicon Genetics Incorporated Lance K. Ishimoto Reg. No. 41,866
Signature	<i>Lance K. Ishimoto by David W. Hieber</i> DAVID W. HIEBER REG. NO. 41,071
Date	August 25, 2003

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: USPTO, P.O. Box 1450, Alexandria, VA 22313, Mail Stop AF, on this date: August 25, 2003			
Typed or printed	Michelle Klein		
Signature	<i>Michelle Klein</i>	Date	August 25, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



**EXPEDITED PROCEDURE  
EXAMINING GROUP 1652**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

Applicant(s):	Walke <i>et al.</i>	Group Art Unit:	1652
Application No.:	09/818,990	Examiner:	S. Swope
Filed:	3/27/2001	Atty. Docket No.:	LEX-0152-USA
Title: Novel Human Muscle Proteins and Polynucleotides Encoding the Same (As Amended)			

---

**RESPONSE TO OFFICE ACTION DATED MAY 27, 2003**

**Mail Stop AF**  
Assistant Commissioner for Patents  
Alexandria, VA 22313

**RECEIVED**

SEP 04 2003

Sir:

TECH CENTER 1600/2900

Applicants acknowledge the receipt of the Office Action ("the Action") mailed on May 27, 2003 (Paper No. 20), which has been carefully reviewed and studied. Reexamination and reconsideration of the application is requested in view of the following remarks. In order to facilitate the Examiner's evaluation of the application, Applicants have attempted to address the rejections in Paper No. 20 in the same order in which they were originally raised.

The response is timely filed, and Applicants believe no fees are due in connection with this response. However, the Commissioner is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-0892.

**RESPONSE**

**I. Status of the Claims**

No claims have been cancelled. No claims have been amended. No new claims have been added.

Claims 1-3 and 6-10 are therefore presently pending in the case. For the convenience of the Examiner, a clean copy of the pending claims is attached hereto as **Exhibit A**.